

REMARKS

In response to the office action mailed on August 20, 2008, Applicants amended claims 1-8, 10, 12, 13, 15, and 29, cancelled claims 17-28 and 30, and added new claims 31-62. Claim 16 was previously cancelled. Thus, claims 1-15, 29, and 31-62 are presented for examination.

Claims 1-5 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Patrone et al., U.S. Patent 5,431,627 ("Pastrone"), and claims 1-5, 7-9, 12, 13, 20, and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Westberg et al., U.S. Patent 7,195,607 ("Westberg"). As amended, these claims require a liquid treatment machine having a compartment configured to contain either one of first and second cassettes, where a first chamber of the first cassette is positioned to correspond to a first chamber of the second cassette, and a second chamber of the second cassette is positioned to correspond to a region of the first cassette that does not include a chamber. The liquid treatment machine includes first and second actuators. The first actuator is aligned with the first chamber of the first cassette when the first cassette is disposed in the compartment of the liquid treatment machine and is aligned with the first chamber of the second cassette when the second cassette is disposed in the compartment of the liquid treatment machine. The second actuator is aligned with the region of the first cassette that does not include a chamber when the first cassette is disposed in the compartment of the liquid treatment machine and is aligned with the second chamber of the second cassette when the second cassette is disposed in the compartment of the liquid treatment machine. The liquid treatment machine is adapted so that the first actuator and not the second actuator is operated when the first cassette is disposed in the compartment of the liquid treatment machine and both the first and second actuators are operated when the second cassette is disposed in the compartment of the liquid treatment machine. Neither Pastrone nor Westberg discloses or renders obvious each of the above-noted features.

For example, while Pastrone describes a drug infusion pump with several different types of cassettes (see, e.g., Pastrone, Figs. 2-5), Pastrone does not disclose a second cassette with a second chamber that is positioned to correspond to a region of the first cassette that does not include a chamber, let alone a liquid treatment machine having a second actuator that is aligned with a region of a first cassette that does not include a chamber when the first cassette is disposed

in the liquid treatment machine and is aligned with a second chamber of a second cassette when the second cassette is disposed in the liquid treatment machine. Nor does Pastrone disclose a liquid treatment machine that is adapted so that a first actuator and not a second actuator is operated when a first cassette is disposed in the liquid treatment machine and first and second actuators are operated when a second cassette is disposed in the liquid treatment machine. Nor would one skilled in the art have modified Pastrone's drug infusion pump in a way to achieve Applicants' claimed apparatus. There is simply no indication in Pastrone or in any of the other references cited by the Examiner that such a modification would have been successful or beneficial.

Westberg fails to disclose that his machine can be used with either of first and second cassettes of the type recited in Applicants' claims, and he certainly does not disclose a liquid treatment machine that includes a second actuator that is aligned with a region of a first cassette that does not include a chamber when the first cassette is disposed in the liquid treatment machine and is aligned with a second chamber of a second cassette when the second cassette is disposed in the liquid treatment machine. Similarly, there is no indication that Westberg's machine is adapted so that a first actuator and not a second actuator is operated when a first cassette is disposed in machine and first and second actuators are operated when a second cassette is disposed in the machine. Nor would one skilled in the art have modified Westberg's system in a way to achieve Applicants' claimed apparatus. There is simply no indication in Westberg or in any of the other references cited by the Examiner that such a modification would have been successful or beneficial.

In view of the foregoing, Applicants request reconsideration and withdrawal of the rejection of claims 1-5 and 7 as being anticipated by Pastrone and the rejection of claims 1-5, 7-9, 12, 13, 20, and 27 as being anticipated by Westberg.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Westberg in view of Burbank et al., U.S. Patent 7,147,613 ("Burbank"). Claims 14, 17, 24, 25, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Westberg in view of DE10143137. Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Westberg in view of DE10143137 and further in view of Odak et al., U.S. Patent 6,471,855 ("Odak"). Claims 19 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

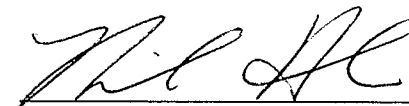
Westberg in view of Busby et al., U.S. Patent Application Publication 2003/0220607 ("Busby"). Claims 10 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Westberg in view of Bryant et al., U.S. Patent 5,474,683 ("Bryant"). Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Westberg. Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Westberg in view of Kamen et al., U.S. Patent 5,628,908 ("Kamen"). Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Westberg in view of Bellotti et al., U.S. Patent 4,436,620 ("Bellotti"). Claims 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Westberg in view of Bilstad, U.S. Patent 4,479,726 ("Bilstad"). But, as discussed above, Westberg fails to disclose or render obvious certain features of these claims, and none of the references that the Examiner has used in combination with Westberg cure the deficiencies of Westberg. For at least this reason, Applicants request reconsideration and withdrawal of these rejections.

Applicants also submit that the above-noted references that were cited by the Examiner fail to disclose or render obvious each and every limitation of new claims 31-62.

The fee in the amount of \$1,110.00 for the Petition for Extension of Time is being paid herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 24948-0002US1.

Respectfully submitted,

Date: February 18, 2009



Michael R. Hamlin
Reg. No. 54,149

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945